

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No.: 10/635,678

REMARKS

Claims 1-5 have been examined. Claims 3-5 have been rejected under 35 U.S.C. § 112, second paragraph, and claims 1-2 have been rejected under 35 U.S.C. § 102(b).

I. Rejection under 35 U.S.C. § 112, second paragraph

Claims 3-5 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as invention.

Applicant submits that the amendments to the claims, as set forth above, overcome the rejection.

II. Rejection under 35 U.S.C. § 102(b) over U.S. Patent No. 5,566,840 to Waldner et al. ("Waldner")

Claims 1-2 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Waldner. Applicant submits that the claims are patentable over the reference.

A. Claim 1

Applicant submits that claim 1 is patentable over Waldner. For example, claim 1 comprises a boss having a positioning section that positions members to be pierced to predetermined positions along an inserting direction of the boss. The Examiner suggests that the pin 16 in Figs. 1 and 4 of Waldner corresponds to the claimed boss, the tapered shape of the pin 16 corresponds to the claimed positioning section, and the films 12 and 14 correspond to the claimed members. Applicants respectfully disagree.

In Waldner, the pins 16 are disposed on the support 10, and the films 12 and 14 have elongated holes 18 on two adjoining edges and a square hole 20 at the vertex of the adjoining

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edges. Col. 4, lines 6-19. As shown in Fig. 4, the main body of the pins 16 are only tapered with converging chamfers 28. Col. 4, lines 53-57. Except for these chamfers 28, the pins 16 have the shape of a cube or prism with a square base and thus, have lateral surfaces 30, which are located opposite to each other and are parallel to each other at a constant spacing. Col. 2, lines 51-57; col. 4, lines 57-62. In other words, the width of the cross section of the main body of the pins 16 is constant at all axial positions.

When the films 12 and 14 are placed around the pins 16, at every axial position along the main body of the pins 16, the opposing, parallel lateral surfaces 30 of the pins 16 guide the holes 18 and 20 of the films 12 and 14. While the pins 16 position the films 12 and 14 such that the films 12 and 14 cannot shift in any directions that are perpendicular to the inserting direction of the pins 16, they do not have a positioning section to position the films 12 and 14 to predetermined positions along the inserting direction of the pins 16. Thus, Waldner does not disclose or suggest a boss having a positioning section that positions members to be pierced to predetermined positions along an inserting direction of the boss. In light of the discussion above, Applicant submits that claim 1 is patentable

B. Claim 2

Since claim 2 depends upon claim 1, Applicant submits that claim 1 is patentable at least by virtue of its dependency.

III. Allowable subject matter

The Examiner has indicated that claims 3-5 would be allowable if rewritten to overcome the rejection under 35 U.S.C. § 112, second paragraph and rewritten in independent form. Since

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the rejection under 35 U.S.C. § 112, second paragraph is overcome and since the rejection of base claim 1 is overcome, Applicant submits that claims 3-5 are now in condition for allowance.

IV. Newly added claim

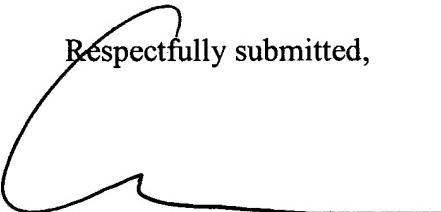
Claim 6 is added to provide more varied protection for the present invention. Since claim 6 depends upon claim 1, Applicant submits that it is patentable at least by virtue of its dependency.

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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